

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 zone.

This would permit a 20' by 18' addition of which a 20' by 15' portion is proposed to encroach in the required rear yard setback.

The required front and rear yard cumulative setback total is 50' in the R-3 (Light Density Residential) zone.

BACKGROUND

The applicant is requesting to add a room for a study that will encroach in the required rear yard setback and will be located to within 10' of the rear yard property line. The applicant is also proposing to build a carport in the westerly side setback to within 5' of the side property line. A site visit reveals that a storage shed has been built encroaching 5 feet into the easterly side yard setback. Mr. Myers purchased the house in 2001. He does not want to remove the encroaching structure and is attempting to prove that it has been in existence for 15 years in order to meet the requirements of the Special Exception L.

CALCULATIONS

1/3 average lot width = 27.33' (82' ÷ 3)

Requested width of encroachment = 20'

Required rear yard setback = 25'

Requested rear yard setback = 10'

STAFF RECOMMENDATION

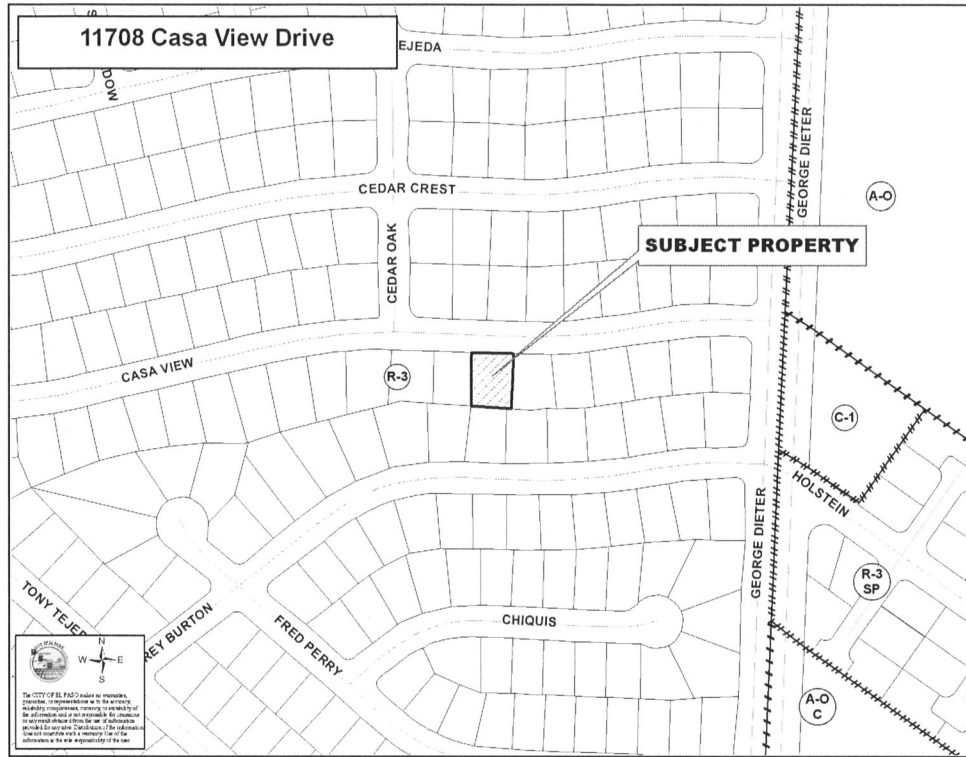
Staff recommends postponement of the case until the next meeting in August 2009.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

"Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit."

ZONING MAP



NOTIFICATION MAP

